

**CLOSING**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**ANTHONY TROBIANO,**

*Plaintiff,*

**v.**

**FRANK P LAGANO, JR., et al.,**

*Defendants.*

**Civil Action No. 20-10793**

**ORDER**

**THIS MATTER** comes before the Court by way of Plaintiff Anthony Trobiano's ("Plaintiff") Motion to Remand this action to New Jersey Superior Court, ECF No. 4;

and it appearing that the Honorable Edward S. Kiel issued a Report and Recommendation ("R&R") on November 25, 2020, in which he recommended that Plaintiff's Motion for Remand be granted, ECF No. 12;

and it appearing that Defendant Frank Lagano ("Defendant") filed an objection to the R&R, ECF No. 13;

and it appearing that as an initial matter, Defendant's objection is untimely, as it was filed more than two weeks after the deadline as set forth in Judge Kiel's R&R and Local Civil Rule 72.1(c)(2);

and it appearing that counsel has demonstrated good cause based on medical reasons for relaxation of the 14-day period, L. Civ. R. 72.1(c)(2), and the Court will therefore consider Defendant's objections;

and it appearing that Judge Kiel properly applied the applicable case law to the facts of the instant case in concluding that the "probate exception" to subject matter jurisdiction applies here;

**CLOSING**

and it appearing that nothing in the documents submitted by Defendant modifies or calls into question the clear legal basis for remand of this case to New Jersey Superior Court on the basis of the probate exception;

and for the reasons set forth in Judge Kiel's R&R;

**IT IS** on this 9th day of April, 2021;

**ORDERED** that Judge Kiel's R&R is **ADOPTED**, Plaintiff's Motion for Remand, ECF No. 4, is **GRANTED**; and it is further

**ORDERED** that the case is hereby remanded to the Superior Court of New Jersey, Chancery Division, Bergen County.

/s/ Madeline Cox Arleo  
**Hon. Madeline Cox Arleo**  
**UNITED STATES DISTRICT JUDGE**